Allegations of Misconduct in Scientific Research

August 1, 1990
Revised January 30, 1995

Each institution which applies for or receives a research, research-training, or research-related grant or cooperative agreement under the Public Health Services Act must establish administrative policies and procedures required by the Final Rule (42 CFR Part 50, Subpart A) and must comply with the requirements of the Final Rule as established at 54 FR 32446. California State University, Hayward (CSUH) is such an institution. The Final Rule addresses procedures that deal with instances of possible misconduct in science.

Misconduct: Fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. Misconduct does not include honest error or honest differences in interpretations or judgments of data.

The Final Rule mandates timely responses to allegations of such misconduct that will protect the interests of all parties involved, including those who might be misled by publication or communication of fraudulent data or harmed by fraudulent actions.

The following procedures will be followed in cases where evidence exists or allegations have been made regarding scientific misconduct and will identify the obligations of CSUH officials involved in investigations of such misconduct with respect to confidentiality.

Individuals who believe an act of academic misconduct by a CSUH employee has occurred must inform the Director, Office of Research and Sponsored Programs. The Director of the Office of Research and Sponsored Programs shall consult with the dean of the school and the chair of the department in which the alleged misconduct has occurred and shall immediately appoint a committee to conduct a review of the charges. This committee shall consist of three faculty (one from the relevant department, one from the school outside the department and one from a different school), the school dean, and an administrator from the Office of Research and Sponsored Programs. The Director of the Office of Research and Sponsored Programs will notify the involved parties of the charges and discuss their nature. The committee may consult with others on a confidential basis as needed. The committee's review shall be sufficiently thorough so that the President of the University is able to determine whether or not a formal charge is warranted. The Director of the Office of Research and Sponsored Programs will provide the President of the University with a summary of the charges and results of the committee's findings from the review not later than one calendar month after the formation of the committee. The President will then decide whether formal charges will be filed under appropriate disciplinary
procedures and whether disclosure of those charges to the appropriate administrative unit (faculty, staff or student) in the University will be made.

In the course of obtaining necessary information in the review process, the professional reputation of all parties involved, as well as the interests of the public and those who might be harmed by the alleged misconduct, must be carefully protected. Accordingly, the review shall be conducted as quickly as possible and every effort shall be made to maintain confidentiality. Only those directly involved in the review are to be aware that it is in progress or to have access to any information revealed in the course of the review. The individual(s) against whom the charges have been made is free to disclose the information should s/he choose.

In the event the president finds that formal charges are warranted, disciplinary procedures set forth in Article 19 of the Memorandum of Understanding (MOU), The California State University (copy attached), and in the CSUH Faculty Handbook will be followed. The Office of Scientific Integrity (OSI) at PHS shall be notified that disciplinary action has been initiated. The University will conclude those disciplinary procedures in a timely fashion as outlined in the MOU. The established rules governing confidentiality shall apply. Results of the disciplinary procedures shall be reported to the OSI and shall be maintained for three (3) years; if there is reasonable indication of possible criminal violations, OSI will be notified within 24 hours. The Director, Office of Research and Sponsored Programs, shall take appropriate administrative actions to protect federal funds and to ensure that the purposes for which the funds were granted are being carried out.

The CSUH Office of Research and Sponsored Programs will at all times during these misconduct procedures be vigilant with respect to the professional reputations of all parties involved. The University shall recognize an obligation to protect the positions and reputations of those persons who, in good faith, make allegations of scientific misconduct, and those against whom allegations of misconduct are not confirmed.